

REMARKS

Upon entry of the present amendments, claims 1, 3, 4, 7-12, 14, 15, 18-23, 25, 26 and 29-36 will be pending in the subject application and under consideration. Claims 1, 3, 4, 7-12, 14, 15, 18-23, 25, 26, and 29-33 have been amended herein as shown on pages 2-12 of the Reply. New claims 34-36 have been added as shown on page 12 of the Reply. No new matter has been added.

Applicants' representative thanks Examiner Chankong for the courtesies extended during the interview on 3/09/2010 during which claims 1, 3, 4, 7-12, 14, 15, 18-23, 25, 26 and 29-33 and the cited references were discussed. As discussed, some clarifying amendments were made to the independent claims, and aspects of the discussion are reflected in the new claims. The cited reference Hanson was discussed where the particular interfaces were discussed as *dependent* on a predetermined list of interfaces, as shown in Figs. 5 and 6a, where Hewlett-Packard and Ricoh were but a few examples depicted in the drawings.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 8, 12, 19, 23, and 30

Claims 1, 8, 12, 19, 23, and 30 are rejected on the ground of non-statutory obvious-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7296042 ["'042 patent"]. Applicant's representative respectfully requests that this rejection be withdrawn in view of the claim amendments to claims 1, 8, 12, 19, 23, and 30 that have been submitted herein. Alternatively, without conceding the propriety of the rejection, Applicant's representative respectfully requests that this rejection be held in abeyance until allowable subject matter is reached, to discern if the double patenting rejection is still applicable after any amendments, such as the amendments herein, have occurred.

II. Rejection of Claims 23, 25, 26, 29, and 30-33 Under 35 U.S.C. §101

Claims 23, 25, 26, 29, and 30-33 are rejected under 35 U.S.C. 101 for allegedly being directed to non-statutory subject matter. Claims 23, 25, 26, 29, and 30-33 have been amended herein to recite a non-transitory computer readable medium as suggested by the Examiner. In this regard, the addition of the term "non-transitory" herein is to be understood to have removed only

propagating transitory signals per se from the claim scope and does not relinquish rights to all standard computer-readable media that are not only propagating transitory signals per se. In other words, the meaning of “non-transitory” computer-readable medium should be construed to exclude only those types of transitory computer-readable media, which were found in *In re Nuijten*, to fall outside the scope of patentable subject matter under 35 U.S.C. §101. Withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 3, 4, 18, 29, and 33 Under 35 U.S.C §112

Claims 3, 4, 18, 29, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, 4, 18, 29, and 33 have been amended herein to correct the antecedent basis issues noted by the Examiner. Withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 1, 3, 4, 7-12, 14, 15, 18-23, 25, 26, and 29-33 Under 35 U.S.C. §103(a)

Claims 1, 3, 4, 7-12, 14, 15, 18-23, 25, 26, and 29-33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Reed et al, U.S Patent No.6,345,288 [“Reed”], in view of Hanson, U.S. Patent No. 6,148,346. As the Examiner noted, Reed neither teaches nor suggests various elements of the claims (*See*, e.g., Office Action at pages 7-8). In this regard, for clarity, independent Claim 1 has been amended to recite in conjunction with the other elements of claim 1 that “*the data type is independent of an operating system domain and at least one peripheral domain.*”

Neither Hanson nor Reed, alone or in combination, teach or suggest instructions return a data type supported by the first component, and a device type and an operating status of the first component, thereby facilitating the first component to negotiate with a second component to select a transfer medium for transfer of data of the data transfer between the first and second components based on the data type, wherein *the data type is independent of an operating system domain and at least one peripheral domain.* In this regard, primary reference Reed is admitted on page 8 of the Office Action as lacking the foregoing element of claim 1. In this regard, it is admitted Reed lacks any disclosure of “(A) a universal data interface or DTSS comprises object-

oriented mobile code” or “(B) instructions that return data types supported by the first component, device types, or operating status of the component.”

The Official Action states that Hanson cures this deficiency, however, Applicant’s representative respectfully disagrees. Hanson merely discloses a system that is *dependent* on a list of interfaces (See Figs. 5 and 6a of Hanson which show a list of interfaces that includes Ricoh, NEC, Microsoft, Adobe, Hewlett-Packard). In sharp contrast to Hanson, claim 1 recites the data type is *independent* of an operating system domain and at least one peripheral domain.

Independent claims 8, 12, 19, 23, and 30 have also been amended herein to respectively recite in conjunction with the other elements of the respective claims, where claim 8 recites wherein the first universal transfer interface is independent of an operating system type and at least one peripheral type, where claim 12 recites wherein the instructions are independent of an operating system identification and at least one peripheral identification, where claim 19 recites wherein the data type and the device type are independent of an operating system domain and at least one peripheral domain, where claim m 23 recites wherein the instructions are independent of an operating system type and at least one peripheral type, where claim 30 recites wherein the instructions are independent of an operating system domain and at least one peripheral domain. Since neither Reed nor Hanson, alone or in combination recite the respective features as claimed in claims 8, 12, 19, 23, and 30, it is respectfully submitted that this rejection be withdrawn.

CONCLUSION

Reconsideration and withdrawal of all rejections is requested in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [VPARP101US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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